

June 25, 2009

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

ANDRE J. TWITTY,

Plaintiff - Appellant,

v.

No. 09-1226
(D.C. No. 1:09-CV-00350-WYD)

ZITA L. WEINSHIENK - USDC Judge (Den); BOYD N. BOLAND - U.S. Magistrate Judge (Den); GREGORY C. LANGHAM - (USDC) Clerk (Den); NFN AUDRA - Clerk (USDC) (Den), Federal Employee; CHIEF JUDGE TACHA - U.S. Circuit Judge (10th Circuit) (Den), Federal Employee; LEWIS T. BABOCK - U.S. Circuit Judge (10th) Den, Federal Employee; PAUL J. KELLY - U.S. Circuit Judge (10th) (Den), Federal Employee; NFN MCCONNELL - U.S. Circuit Judge (10th) (Den), Federal Employee; ELISABETH A. SHUMAKER - Clerk 10th Circuit, 1823 Stout St., Denver, CO 80257; CHRIS VAN CONEY - Staff Attorney, 10th Circuit, 1823 Stout St., Denver, CO 80257; DOUGLAS E. CRESSLER - Chief Deputy Clerk, 10th Circuit, 1823 Stout St., Denver, CO 80257; MIKE MUKASEY - Former U.S. Attorney Gen., U.S.D.O.J., 10th, Constitution Ave. N.W., Wash. D.C. 20530; ALBERTO GONZALEZ - Former U.S. Attorney Gen. U.S.D.O.J., 10th, Constitution Ave. N.W., Wash. D.C. 20530; HARLEY G. LAPPIN - B.O.P. Dir., 320 First N.W. Wash. D.C. 20534; HARRELL WATTS - B.O.P. Clerk, 320 First N.W. Wash. D.C. 20534; MIKE NALLEY - B.O.P. Regional Dir., 400

State St., K.C. KS 66101; NFN FIELDS - BOP Clerk, 400 State St., K.C. KS 66101; RONNIE WILEY - Warden FLM, POB 8500, Florence, CO 81226-8500; NFN FOX - Assoc. Warden FLM, POB 8500, Florence, CO 81226-8500; UNKNOWN EXECUTIVE ASST. FLM, POB 8500, Florence, CO 81226-8500; UNKNOWN CAPTAIN FLM, POB 8500, Florence, CO 81226-8500; M. CHURCH, Captain FLM, POB 8500, Florence, CO 81226-8500; D.J. KRIST - SIA FLM, POB 8500, Florence, CO 81226-8500; ALL UNKNOWN SIS INVESTIGATORS, FLM, POB 8500, Florence, CO 81226-8500; UNKNOWN MEDICAL FLM, POB 8500, Florence, CO 81226-8500; DAVID M. LETA - Asst. U.S. Attorney, 1800 (Ste) 75 Spring St. S.W., Atlanta, GA 30301; TROY A. EID, U.S. Attorney, 1225 17th St., Ste. 700, Denver, CO 80202, all in their individual capacities,

Defendants - Appellees.

ORDER

On September 11, 2008, the court issued a notice directing appellant to file his opening brief and pay the appellate filing fee (or file a motion for leave to proceed on appeal without prepayment of costs and fees) by September 25, 2008. To date, the documents have not been filed. Accordingly, this matter is dismissed for failure to

prosecute. See 10th Cir. R. 3.3(B) and 42.1. A copy of this order shall stand as the mandate of this court.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

ELISABETH A. SHUMAKER, Clerk